

REMARKS/ARGUMENTS

The present Amendment is responsive to the non-final Office Action mailed January 7, 2009 in the above-identified application.

Claims 1-10 are the claims currently pending in the present application. All the claims are amended to clarify features recited thereby. These amendments are fully supported by applicant's disclosure, see, for example, Specification, page 2, line 29 - page 3, line 4.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and receipt of the priority document. Further, applicant thanks the Examiner for acknowledging in the prior Office Action review and consideration of the references cited in the Information Disclosure Statement filed on September 26, 2006.

Rejection of Claims 1-3 and 8 under 35 U.S.C. § 103

Claims 1-3 and 8 are rejected under 35 U.S.C. § 103 as being obvious from Aupperle et al., U.S. Patent Application No. 2004/0050374. Reconsideration of this rejection is respectfully requested.

Without intending to limit the scope of the claims, according to an aspect of applicant's invention as claimed in claim 1, an EGR (Exhaust Gas Recirculation) system is provided in which exhaust gases being recirculated in the return line 8 are cooled by an exhaust gas cooler in which the medium of the cooling is ambient air, downstream from a liquid medium-based cooler. Accordingly, as discussed, for example, in applicant's disclosure, page 2, line 30 - page 3, line 7, the ambient air as a cooling medium can cool the exhaust gases to substantially the same temperature as the compressed air after cooling in a conventional charge air cooler (Specification, page 2, line 20-22) and no particularly complicated equipment is necessary.

Claim 1 requires an arrangement of recirculating exhaust gases in a supercharged combustion engine, the arrangement comprising a return line comprising a first cooler using ambient air as a cooling medium and operable for cooling the exhaust gases and incorporated in the return line downstream from the second cooler using a liquid medium, and upstream from a mixture point where the exhaust gases are mixed with the air in the inlet line.

Aupperle discloses an exhaust-gas recirculation system for an internal combustion engine with a first exhaust gas cooler and a second exhaust cooler, both provided in the circulation line (Aupperle, Abstract). Aupperle discloses that the first exhaust-gas cooler 4.1 is a high-pressure cooler such that when the engine is in braking mode and the exhaust-gas recirculation valve 4.3 is closed, the first exhaust-gas cooler 4.1 can handle pressure pulses to which it is subjected within the exhaust-gas discharge system 2. (Aupperle, page 2, paragraph 16). Further, Aupperle discloses that the second exhaust gas cooler 4.2 is a low-pressure cooler (Aupperle, page 2, paragraph 16) and that the first exhaust-gas cooler 4.1 or the second exhaust-gas cooler 4.2 may be designed as a gas or liquid cooling cooler, and that the cooling circuit 6.1 provided for the first exhaust-gas cooler 4.1, and the cooling circuit 6.2 provided for the second exhaust-gas cooler 4.2 can be connected to the engine cooling circuit (not illustrated in Aupperle). Thus, Aupperle describes that both the first exhaust-gas cooler 4.1 and the second exhaust-gas cooler 4.2 are cooled by the cooling circuits that are connected to the engine cooling circuit, presumably cooled by a liquid engine coolant as the cooling medium.

Aupperle does not disclose or suggest a first cooler using ambient air as a cooling medium incorporated in the return line downstream from the second cooler, using a liquid medium, as required by claim 1. Further, Aupperle is silent with respect to the effect or advantages provided by using ambient air as a cooling medium for a cooler in the return line following cooling by a liquid medium-based cooler, as described in the above-recited portions of the Applicant's disclosure. Accordingly, Aupperle does not disclose or suggest the recitations of claim 1.

Claims 2, 3 and 8 depend from claim 1 and, therefore, claims 2, 3 and 8 are patentably distinguishable over the cited art for at least the same reasons.

Rejection of Claims 4-7, 9 and 10 under 35 U.S.C. § 103

Claims 4-7, 9 and 10 are rejected under 35 U.S.C. § 103 as being obvious from Aupperle in view of Schonfeld et al., U.S. Patent No. 5,607,010. Reconsideration of this rejection is respectfully requested.

Schonfeld does not cure the above-discussed deficiencies of Aupperle as they relate to the above-recited features of claim 1. Further, the Office Action does not allege that Schonfeld discloses or suggests such features.

Accordingly, even taken together in combination, Aupperle and Schonfeld do not disclose or suggest the recitations of claim 1.

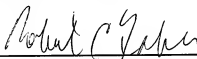
Claims 4-7, 9 and 10 depend from claim 1 and are thus patentably distinguishable over the cited art for at least the same reasons.

In view of the foregoing discussion, withdrawal of the rejections and allowance of the claims are respectfully requested.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON **February 20, 2009**.

RCF:GB:jcr:ns

Respectfully submitted,



Robert C. Faber
Registration No.: 24,322
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700